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FREDRICKSON  
NEWHOLM  
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INTELLECTUAL PROPERTY LAW

020404  
05999 U.S. PTO

SUITE 1030

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31353 U.S. PTO  
10/773012  
020404

TIMOTHY E. NEWHOLM  
DIRECT DIAL: 414-225-1667  
TEN@BOYLEFRED.COM

February 4, 2004

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Utility Patent Application Transmittal  
U.S. Patent Application Ser. No. (not assigned); filed February 4, 2004  
Inventors: Todd J. Lutz  
Title: *Portable Vibratory Screed with Vibration Restraint*  
Assignee: Wacker Corporation  
**Customer Account No.: 23598**  
Our Ref: 7.166

Dear Sir:

Enclosed in connection with the above-identified utility patent application are:

- the patent application, consisting of 12 pages of specification, 23 claims on 5 sheets, an Abstract, and 7 Drawings on 4 sheets;
- Fee Transmittal Form PTO/SB/17 (10/03);
- check in the amount of \$824.00 in payment of the government filing fee for the patent application (\$770) by a *large* entity, including 3 claims in excess of 20 (\$54);
- a Request and Certification under 35 U.S.C. 122(b)(2)(B)(i);

Commissioner for Patents

February 4, 2004

Page 2

**Documents to follow:**

- an executed Assignment from the inventor, Todd J. Lutz, to Wacker Corporation, and Recordation Form Cover Sheet, Form PTO 1595 (10/03);
- an Information Disclosure Statement (IDS) and Form PTO-1449.

**Deposit Account Authorization**

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Timothy E. Newholm  
Registration No. 34,400

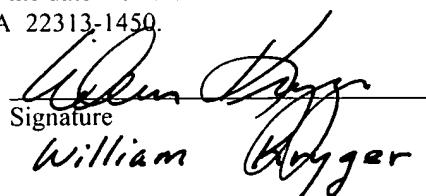
Enclosures

**Certification Under 37 CFR 1.10**

Express Mail Label No: **EV313040593US**

Date of Deposit: **February 4, 2004**

I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature  
William R. Boggan

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

020404  
05909 U.S.PTO

# FEE TRANSMITTAL

## for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$824)

## Complete if Known

Application Number	Unassigned
Filing Date	2/4/2004
First Named Inventor	Lutz
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	7.166

## METHOD OF PAYMENT (check all that apply)

 Check    Credit card    Money Order    Other    None
 Deposit Account

Deposit Account Number	50-1170
Deposit Account Name	Boyle Fredrickson Newholm Stein & Gratz S.C.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below    Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1001	2001	385	Utility filing fee
1002	2002	170	Design filing fee
1003	2003	265	Plant filing fee
1004	2004	385	Reissue filing fee
1005	2005	80	Provisional filing fee

SUBTOTAL (1) (\$770)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
Total Claims 23 -20**= 3 X 18 =	54	
Independent Claims - 3**= X 86 =	0	
Multiple Dependent	=	

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	9
		Claims in excess of 20
1201	2201	43
		Independent claims in excess of 3
1203	2203	145
		Multiple dependent claim, if not paid
1204	2204	43
		**Reissue independent claims over original patent
1205	2205	9
		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$54)

\*\* or number previously paid, if greater; For Reissues, see above

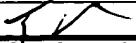
## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	65	Surcharge – late filing fee or oath
1052	2052	25	Surcharge – late provisional filing fee or cover sheet
1053	1053	130	Non-English specification
1812	1812	2,520	For filing a request for ex parte reexamination
1804	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1805	1,840*	Requesting publication of SIR after Examiner action
1251	2251	55	Extension for reply within first month
1252	2252	210	Extension for reply within second month
1253	2253	475	Extension for reply within third month
1254	2254	740	Extension for reply within fourth month
1255	2255	1,005	Extension for reply within fifth month
1401	2401	165	Notice of Appeal
1402	2402	165	Filing a brief in support of an appeal
1403	2403	145	Request for oral hearing
1451	1451	1,510	Petition to institute a public use proceeding
1452	2452	55	Petition to revive – unavoidable
1453	2453	665	Petition to revive – unintentional
1501	2501	665	Utility issue fee (or reissue)
1502	2502	240	Design issue fee
1503	2503	320	Plant issue fee
1460	1460	130	Petitions to the Commissioner
1807	1807	50	Processing fee under 37 CFR 1.17(q)
1806	1806	180	Submission of Information Disclosure Stmt
8021	8021	40	Recording each patent assignment per property (times number of properties)
1809	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	2801	385	Request for Continued Examination (RCE)
1802	1802	900	Request for expedited examination of a design application

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

SUBMITTED BY					
Complete if applicable					
Name (Print/Type)	Timothy E. Newholm	Registration No. (Attorney/Agent)	34400	Telephone	414 225.9755
Signature				Date	February 4, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Todd J. Lutz

Title: *Portable Vibratory Screed with Vibration Restraint*

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

I hereby certify that the invention disclosed in the attached *application has not and will not be* the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C 122(b).

Respectfully submitted,



Timothy E. Newholm  
Registration No. 34400

Dated: February 4, 2004

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Attorney Docket No.: 7.166